

**BILL****SECTION 141**

1           7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors  
2 of the county appointed by the clerk constitute the county board of canvassers. The  
3 members of the board of canvassers shall serve for 2-year terms commencing on  
4 January 1 of each odd-numbered year, except that any member who is appointed to  
5 fill a permanent vacancy shall serve for the unexpired term of the original appointee.  
6 One member of the board of canvassers shall belong to a political party other than  
7 the clerk's. The county clerk shall designate a deputy clerk who shall perform the  
8 clerk's duties as a member of the board of canvassers in the event that the county  
9 clerk's office is vacant, or the clerk cannot perform his or her duties, ~~or the clerk is~~  
10 ~~a candidate at an election being canvassed.~~ If the county clerk and designated  
11 deputy clerk are both unable to perform their duties, the county executive or, if there  
12 is no county executive, the chairperson of the county board of supervisors shall  
13 designate another qualified elector of the county to perform the clerk's duties. If a  
14 member other than the clerk cannot perform his or her duties, the clerk shall appoint  
15 another member to serve. No Except as otherwise provided in this subsection, no  
16 person may serve on the county board of canvassers if the person is a candidate for  
17 an office to be canvassed by that board. If the clerk is a candidate at an election being  
18 canvassed, the clerk may perform his or her duties on the board only if the clerk has  
19 no opponent whose name appears on the ballot, or, in the case of a recount, if the office  
20 the clerk is seeking is not a subject of the recount. If lists of candidates for the county  
21 board of canvassers are submitted to the county clerk by political party county  
22 committees, the lists shall consist of at least 3 names and the clerk shall choose the  
23 board members from the lists. Where there is a county board of election  
24 commissioners, it shall serve as the board of canvassers. If the county board of  
25 election commissioners serves as the board of canvassers, the executive director of

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1 the county board of election commissioners shall serve as a member of the board of  
2 canvassers to fill a temporary vacancy on that board.

3 **SECTION 142.** 8.10 (3) (intro.) of the statutes is amended to read:

4 8.10 (3) (intro.) The certification of a qualified elector circulator under s. 8.15  
5 (4) (a) shall be appended to each nomination paper. The number of required  
6 signatures on nomination papers filed under this section is as follows:

7 **SECTION 143.** 8.15 (4) (a) of the statutes is amended to read:

8 8.15 (4) (a) The certification of a qualified elector circulator stating his or her  
9 residence with street and number, if any, shall appear at the bottom of each  
10 nomination paper, stating he or she personally circulated the nomination paper and  
11 personally obtained each of the signatures; he or she knows they are electors of the  
12 ward, aldermanic district, municipality or county, as the nomination papers require;  
13 he or she knows they signed the paper with full knowledge of its content; he or she  
14 knows their respective residences given; he or she knows each signer signed on the  
15 date stated opposite his or her name; and, that he or she, the circulator, resides  
16 within the district which the candidate named therein will represent, if elected is a  
17 qualified elector of this state, or if not a qualified elector of this state, is a U.S. citizen  
18 age 18 or older who, if he or she were a resident of this state, would not be disqualified  
19 from voting under s. 6.03, Wis. stats.; that he or she intends to support the candidate;  
20 and that he or she is aware that falsifying the certification is punishable under s.  
21 12.13 (3) (a), Wis. stats. The circulator shall indicate the date that he or she makes  
22 the certification next to his or her signature. The certification may be made by the  
23 candidate or any qualified elector circulator.

24 **SECTION 144.** 8.20 (3) of the statutes is amended to read:

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1           8.20 (3) The certification of ~~an elector~~ a qualified circulator under s. 8.15 (4)  
2           (a) shall be appended to each nomination paper.

3           **SECTION 145.** 8.37 of the statutes is amended to read:

4           **8.37 Filing of referenda petitions or questions.** Unless otherwise required  
5           by law, all proposed constitutional amendments and any other measure or question  
6           that is to be submitted to a vote of the people, or any petitions requesting that a  
7           measure or question be submitted to a vote of the people, if applicable, shall be filed  
8           with the official or agency responsible for preparing the ballots for the election no  
9           later than 42 days prior to the election at which the amendment, measure or question  
10          will appear on the ballot. *No later than the end of the next business day after*

11 *the* ~~the measure or question that is placed on the ballot by a school district with the clerk of~~  
12 ~~each county having territory within the school district no later than 42 days prior to~~  
13 ~~the election at which such measure or question will appear on the ballot.~~  
*a proposed measure is filed with a school district clerk under this section, the*

14          **SECTION 146.** 8.40 (2) of the statutes is amended to read:

15          8.40 (2) The certification of a qualified elector circulator stating his or her  
16          residence with street and number, if any, shall appear at the bottom of each separate  
17          sheet of each petition specified in sub. (1), stating that he or she personally circulated  
18          the petition and personally obtained each of the signatures; that the circulator knows  
19          that they are electors of the jurisdiction or district in which the petition is circulated;  
20          that the circulator knows that they signed the paper with full knowledge of its  
21          content; that the circulator knows their respective residences given; that the  
22          circulator knows that each signer signed on the date stated opposite his or her name;  
23          that the circulator ~~resides within the jurisdiction or district in which the petition is~~  
24          circulated is a qualified elector of this state, or if not a qualified elector of this state,  
25          that the circulator is a U.S. citizen age 18 or older who, if he or she were a resident

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1 of this state, would not be disqualified from voting under s. 6.03, Wis. stats.; and that  
2 the circulator is aware that falsifying the certification is punishable under s. 12.13  
3 (3) (a). The circulator shall indicate the date that he or she makes the certification  
4 next to his or her signature.

5 **SECTION 147.** 9.01 (1) (ag) 1., 1m. and 2. of the statutes are amended to read:

6 9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate  
7 and those cast for the petitioner or the difference between the affirmative and  
8 negative votes cast upon any referendum question is less than 10 if 1,000 or less votes  
9 are cast or not more than 0.5% of the total votes cast for the office or on the question  
10 if more than 1,000 votes are cast prior to issuance of any amended return under s.  
11 6.22 (5m) (f), the petitioner is not required to pay a fee.

12 1m. If the difference between the votes cast for the leading candidate and those  
13 cast for the petitioner or the difference between the affirmative and negative votes  
14 cast upon any referendum question is at least 10 if 1,000 or less votes are cast or is  
15 more than 0.5% but not more than 2% if more than 1,000 votes are cast prior to  
16 issuance of any amended return under s. 6.22 (5m) (f), the petitioner shall pay a fee  
17 of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each  
18 municipality for which the petition requests a recount where no wards exist.

19 2. If the difference between the votes cast for the leading candidate and those  
20 cast for the petitioner or the difference between the affirmative and negative votes  
21 cast upon any referendum question is more than 2% if more than 1,000 votes are cast  
22 prior to issuance of any amended return under s. 6.22 (5m) (f), the petitioner shall  
23 pay a fee equal to the actual cost of performing the recount in each ward for which  
24 the petition requests a recount, or in each municipality for which the petition request  
25 a recount where no wards exist.

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1       **SECTION 148.** 9.01 (1) (ag) 2m. of the statutes is created to read:

2       9.01 (1) (ag) 2m. For purposes of subds. 1m. and 2., the number of votes cast  
3 at an election excludes any votes that may be eligible to be counted under s. 6.22 (5m)  
4 (a).

5       **SECTION 149.** 9.01 (1) (b) (intro.) of the statutes is amended to read:

6       9.01 (1) (b) (intro.) The Except as provided in this paragraph, the proper board  
7 of canvassers shall reconvene no earlier than 9 a.m. on the day following delivery of  
8 notice to all candidates under sub. (2) and no later than 9 a.m. on the day following  
9 the last day for filing of a petition and proceed to recount the ballots in the wards or  
10 municipalities specified and to review the allegations of fact contained in the petition  
11 or petitions. If s. 6.22 (5m) (dm) applies, the board of canvassers shall not proceed  
12 with the recount until 9 a.m. on the day following the last day for filing of a petition  
13 and, if s. 6.22 (5m) (e) applies, shall not proceed with the recount until it complies  
14 with s. 6.22 (5m) (f). The recount shall proceed for each ward or municipality as  
15 follows:

16       **SECTION 150.** 9.01 (10) of the statutes is amended to read:

17       9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe  
18 standard forms and procedures for the making of recounts under this section. The  
19 procedures prescribed by the elections board shall require the boards of canvassers  
20 in recounts involving more than one board of canvassers to consult with the elections  
21 board staff prior to beginning any recount in order to ensure that uniform procedures  
22 are used, to the extent practicable, in such recounts.

23       **SECTION 151.** 9.10 (2) (b) of the statutes is amended to read:

24       9.10 (2) (b) A recall petition for requesting the recall of a city, village, town or  
25 school district office officer shall contain a statement of ~~a reason for the recall which~~

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1 ~~is related to the official responsibilities of the official for whom removal is sought~~  
2 each cause for the recall and the grounds that constitute each cause. In this  
3 paragraph, "cause" means official misconduct or malfeasance in office.

4 **SECTION 152.** 9.10 (2) (d) of the statutes is amended to read:

5 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless  
6 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the  
7 filing officer with whom the petition is filed. The petitioner shall append to the  
8 registration a statement indicating his or her intent to circulate a recall petition, the  
9 name of the officer for whom recall is sought and, in the case of a petition for the recall  
10 of a city, village, town or school district officer, a statement of ~~a reason for the recall~~  
11 ~~which is related to the official responsibilities of the official for whom removal is~~  
12 ~~sought~~ each cause, as defined in par. (b), for the recall and the grounds that constitute  
13 each cause. No petitioner may circulate a petition for the recall of an officer prior to  
14 completing registration. The last date that a petition for the recall of a state,  
15 congressional, legislative, judicial or county officer may be offered for filing is 5 p.m.  
16 on the 60th day commencing after registration. The last date that a petition for the  
17 recall of a city, village, town or school district officer may be offered for filing is 5 p.m.  
18 on the 30th day commencing after registration. After the recall petition has been  
19 offered for filing, no name may be added or removed. No signature may be counted  
20 unless the date of the signature is within the period provided in this paragraph.

21 **SECTION 153.** 9.10 (2) (em) 2. of the statutes is amended to read:

22 9.10 (2) (em) 2. ~~The residency of the circulator cannot be determined by the~~  
23 information given on the petition is not a qualified circulator.

24 **SECTION 154.** 9.10 (4) (a) of the statutes is amended to read:

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1           9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,  
2 or school district ~~official~~, officer is offered for filing, the officer against whom the  
3 petition is filed may file a written challenge with the municipal clerk or board of  
4 election commissioners or school district clerk with whom it is filed, specifying any  
5 alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal  
6 to the challenge with the clerk or board of election commissioners within 5 days after  
7 the challenge is filed. If a rebuttal is filed, the officer against whom the petition is  
8 filed may file a reply to any new matter raised in the rebuttal within 2 days after the  
9 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a  
10 reply to a rebuttal, the clerk or board of election commissioners shall file the  
11 certificate or an amended certificate. Within 31 days after the petition is offered for  
12 filing, the clerk or board of election commissioners shall determine by careful  
13 examination of the face of the petition whether the petition is sufficient and shall so  
14 state in a certificate attached to the petition. If the petition is found to be insufficient,  
15 the certificate shall state the particulars creating the insufficiency. The petition may  
16 be amended to correct any insufficiency within 5 days following the affixing of the  
17 original certificate. Within 2 days after the offering of the amended petition for filing,  
18 the clerk or board of election commissioners shall again carefully examine the face  
19 of the petition to determine sufficiency and shall attach to the petition a certificate  
20 stating the findings. Immediately upon finding an original or amended petition  
21 sufficient, except in cities over 500,000 population, the municipal clerk or school  
22 district clerk shall transmit the petition to the governing body or to the school board.  
23 Immediately upon finding an original or amended petition sufficient, in cities over  
24 500,000 population, the board of election commissioners shall file the petition in its  
25 office.

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1       **SECTION 155.** 10.01 (2) (e) of the statutes is amended to read:

2       10.01 **(2)** (e) Type E—The type E notice shall state the qualifications for  
3 absentee voting, the procedures for obtaining an absentee ballot in the case of  
4 registered and unregistered voters, and the places and the deadlines for application  
5 and return of application, including any alternate site under s. 6.855, and the office  
6 hours during which an elector may cast an absentee ballot in the municipal clerk's  
7 office or at an alternate site under s. 6.855. The municipal clerk shall publish a type  
8 E notice on the 4th Tuesday preceding each spring primary and election, on the 4th  
9 Tuesday preceding each September primary and general election, on the 4th Tuesday  
10 preceding the primary for each special national, state, county or municipal election  
11 if any, on the 4th Tuesday preceding a special county or municipal referendum, and  
12 on the 3rd Tuesday preceding each special national, state, county or municipal  
13 election to fill an office which is not held concurrently with the spring or general  
14 election. The clerk of each special purpose district which calls a special election shall  
15 publish a type E notice on the 4th Tuesday preceding the primary for the special  
16 election, if any, on the 4th Tuesday preceding a special referendum, and on the 3rd  
17 Tuesday preceding a special election for an office which is not held concurrently with  
18 the spring or general election except as authorized in s. 8.55 (3).

19       **SECTION 156.** 10.02 (3) (a) of the statutes is amended to read:

20       10.02 **(3)** (a) Upon entering the polling place and before being permitted to vote,  
21 an elector shall state his or her name and address ~~and provide identification if~~  
22 ~~required by federal law.~~ If an elector is not registered to vote, an elector may register  
23 to vote at the polling place serving his or her residence if the elector provides proof  
24 of residence or the elector's registration is verified by another elector of the same  
25 municipality where the elector resides. Where ballots are distributed to electors, the



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1 initials of 2 inspectors must appear on the ballot. Upon being permitted to vote, the  
2 elector shall retire alone to a voting booth or machine and cast his or her ballot, except  
3 that an elector who is a parent or guardian may be accompanied by the elector's  
4 minor child or minor ward. An election official may inform the elector of the proper  
5 manner for casting a vote, but the official may not in any manner advise or indicate  
6 a particular voting choice.

7 **SECTION 157.** 12.03 (title) and (1) of the statutes are amended to read:

8 **12.03 (title) ~~Election-day campaigning~~ Campaigning restricted.** (1) No  
9 election official may engage in electioneering on election day. No municipal clerk or  
10 employee of the clerk may engage in electioneering in the clerk's office or at the  
11 alternate site under s. 6.855 during the hours that ballots may be cast at those  
12 locations.

13 **SECTION 158.** 12.03 (2) of the statutes is repealed and recreated to read:

14 **12.03 (2) (a) 1.** No person may engage in electioneering during polling hours  
15 on election day at a polling place.

16 2. No person may engage in electioneering in the municipal clerk's office or at  
17 an alternate site under s. 6.855 during the hours that absentee ballots may be cast.

18 (b) 1. No person may engage in electioneering during polling hours on any  
19 public property on election day within 100 feet of an entrance to a building containing  
20 a polling place.

21 2. No person may engage in electioneering during the hours that absentee  
22 ballots may be cast on any public property within 100 feet of an entrance to a building  
23 containing the municipal clerk's office or an alternate site under s. 6.855.

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1           3. No person may engage in electioneering within 100 feet of an entrance to or  
2       within a nursing home or qualified retirement home or community-based  
3       residential facility while special voting deputies are present at the home or facility.

4           (d) This subsection does not apply to the placement of any material on the  
5       bumper of a motor vehicle that is parked or operated at a place and time where  
6       electioneering is prohibited under this subsection.

7           **SECTION 159.** 12.035 of the statutes is created to read:

8           **12.035 Posting and distribution of election-related material. (1)** In this  
9       section, “election-related material” means any written matter which describes, or  
10      purports to describe, the rights or responsibilities of individuals voting or registering  
11      to vote at a polling place or voting an absentee ballot at the office of the municipal  
12      clerk or an alternate site under s. 6.855.

13          **(2)** The legislature finds that posting or distributing election-related material  
14      at the polling place, at locations where absentee ballots may be cast, or near the  
15      entrance to such locations when voting is taking place may mislead and confuse  
16      electors about their rights and responsibilities regarding the exercise of the franchise  
17      and tends to disrupt the flow of voting activities at such locations. The legislature  
18      finds that the restrictions imposed by this section on the posting or distribution of  
19      election-related material are necessary to protect the compelling governmental  
20      interest in orderly and fair elections.

21          **(3) (a)** No person may post or distribute any election-related material during  
22      polling hours on election day at a polling place.

23          **(b)** No person may post or distribute any election-related material during  
24      polling hours on any public property on election day within 100 feet of an entrance  
25      to a building containing a polling place.

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1 (c) No person may post or distribute any election-related material at the office  
2 of the municipal clerk or at an alternate site under s. 6.855 during hours that  
3 absentee ballots may be cast.

4 (d) No person may post or distribute election-related material during the hours  
5 that absentee ballots may be cast on any public property within 100 feet of an  
6 entrance to a building containing the office of the municipal clerk or an alternate site  
7 under s. 6.855.

8 **(4)** Subsection (3) does not apply to any of the following:

9 (a) The posting or distribution of election-related material posted or  
10 distributed by the municipal clerk or other election officials.

11 (b) The placement of any material on the bumper of a motor vehicle located on  
12 public property.

13 **(5)** A municipal clerk, election inspector, or law enforcement officer may  
14 remove election-related material posted in violation of sub. (3) and may confiscate  
15 election-related material distributed in violation of sub. (3).

16 **SECTION 160.** 12.04 (2) of the statutes is amended to read:

17 12.04 **(2)** Except as provided in s. ss. 12.03 or 12.035 or as restricted under sub.  
18 (4), any individual may place a sign containing a political message upon residential  
19 property owned or occupied by that individual during an election campaign period.

20 **SECTION 161.** 12.07 (2) of the statutes is amended to read:

21 12.07 **(2)** No employer may refuse to allow an employee to serve as an election  
22 official under s. 7.30 or make any threats or offer any inducements of any kind to the  
23 employee for the purpose of preventing the employee from so serving.

24 **SECTION 162.** 12.09 of the statutes is repealed and recreated to read:

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1           **12.09 Election threats. (1)** No person may personally or through an agent  
2           make use of or threaten to make use of force, violence, or restraint in order to induce  
3           or compel any person to vote or refrain from voting at an election.

4           **(2)** No person may personally or through an agent, by abduction, duress, or any  
5           fraudulent device or contrivance, impede or prevent the free exercise of the franchise  
6           at an election.

7           **(3)** No person may personally or through an agent, by any act compel, induce,  
8           or prevail upon an elector either to vote or refrain from voting at any election for or  
9           against a particular candidate or referendum.

10          **SECTION 163.** 12.13 (3) (ze) of the statutes is created to read:

11          12.13 **(3)** (ze) Compensate a person who obtains voter registration forms from  
12          other persons at a rate that varies in relation to the number of voter registrations  
13          obtained by the person.

14          **SECTION 164.** 12.13 (4) of the statutes is repealed.

15          **SECTION 165.** 12.60 (1) (b) of the statutes is amended to read:

16          12.60 **(1)** (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8.,  
17          (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000,  
18          or imprisoned not more than 6 months or both.

19          **SECTION 166.** 12.60 (1) (c) of the statutes is amended to read:

20          12.60 **(1)** (c) Whoever violates s. 12.13 (3) (am) ~~or (4)~~ may be required to forfeit  
21          not more than \$500.

22          **SECTION 167.** 12.60 (1) (d) of the statutes is amended to read:

23          12.60 **(1)** (d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to  
24          forfeit not more than \$100.

25          **SECTION 168.** 17.29 of the statutes is amended to read:

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1           **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary  
2 provisions in either the general law or in special acts, except ~~ch. 7 ss. 6.26 (2) (b), 6.28~~  
3 ~~(2) (b), 6.55 (6), 6.875, and 7.30~~ relating to appointed election officers ~~appointed for~~  
4 ~~the election wards or polling places in the state~~ officials and ch. 21 relating to the  
5 military staff of the governor and to officers of the Wisconsin national guard; and  
6 shall govern all offices whether created by general law or special act, unless  
7 otherwise specially provided.

8           **SECTION 169.** 301.03 (3a) of the statutes is created to read:

9           301.03 **(3a)** Subject to all of the following, design a form to provide notice under  
10 ss. 302.117, 973.09 (4m), and 973.176 (2) of ineligibility to vote under s. 6.03 (1) (b):

11           (a) The form shall inform the person who is ineligible to vote that he or she may  
12 not vote in any election until his or her civil rights are restored.

13           (b) The form shall inform the person who is ineligible to vote when his or her  
14 civil rights are expected to be restored.

15           (c) The form shall include a place for the person to sign indicating that he or  
16 she understands that he or she may not vote in any election until his or her civil  
17 rights are restored. The form shall include a place also for a witness signature.

18           (d) The department shall retain the form, and a copy shall be given to the  
19 person.

20           **SECTION 170.** 301.03 (20) of the statutes is created to read:

21           301.03 **(20)** Transmit to the elections board, on a continuous basis, a list  
22 containing the name of each living person who has been convicted of a felony under  
23 the laws of this state and whose civil rights have not been restored, together with his  
24 or her residential address and the date on which the department expects his or her  
25 civil rights to be restored.

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1           **SECTION 171.** 302.117 of the statutes is amended to read:

2           **302.117 Notice regarding ineligibility to vote.** When an inmate who is  
3           disqualified from voting under s. 6.03 (1) (b) is released to parole or extended  
4           supervision, the department shall inform the person in writing that he or she may  
5           not vote in any election until his or her civil rights are restored. The department shall  
6           use the form designed under s. 301.03 (3a) to inform the person, and the person and  
7           a witness shall sign the form.

8           **SECTION 172.** 880.33 (9) of the statutes is amended to read:

9           **880.33 (9)** All the rights and privileges afforded a proposed incompetent under  
10          this section shall be given to any person who is alleged to be ineligible to register to  
11          vote or to vote in an election by reason that such person is incapable of understanding  
12          the objective of the elective process. The determination of the court shall be limited  
13          to a finding that the elector is either eligible or ineligible to register to vote or to vote  
14          in an election by reason that the person is or is not capable of understanding the  
15          objective of the elective process. The determination of the court shall be  
16          communicated in writing by the clerk of court to the election official or agency  
17          charged under s. 6.48, 6.92, 6.925 ~~or~~ 6.93, or 7.52 (5) with the responsibility for  
18          determining challenges to registration and voting which may be directed against  
19          that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5)  
20          and any subsequent determination of the court shall be likewise communicated by  
21          the clerk of court.

22          **SECTION 173.** 973.09 (4m) of the statutes is amended to read:

23          **973.09 (4m)** The department shall inform each probationer who is disqualified  
24          from voting under s. 6.03 (1) (b) that he or she may not vote in any election until his  
25          or her civil rights are restored. The department shall use the form designed under

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1 s. 301.03 (3a) to inform the probationer, and the probationer and a witness shall sign  
2 the form.

3 **SECTION 174.** 973.176 (2) of the statutes is amended to read:

4 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant  
5 on probation for a conviction that disqualifies the defendant from voting under s. 6.03  
6 (1) (b), the court shall inform the defendant in writing that he or she may not vote  
7 in any election until his or her civil rights are restored. The court shall use the form  
8 designed by the department of corrections under s. 301.03 (3a) to inform the  
9 defendant, and the defendant and a witness shall sign the form.

10 **SECTION 175. Nonstatutory provisions.**

11 (1) ELECTION-RELATED CONTINGENCY PLANNING. The elections board shall  
12 prepare a report and recommendations with regard to state and local  
13 election-related contingency planning efforts and preparedness regarding natural  
14 disasters or terrorist activities that may occur at or near election time. No later than  
15 the first day of the 7th month beginning after publication of this act, the elections  
16 board shall submit the report and recommendations to the chief clerk of each house  
17 of the legislature for distribution to the appropriate standing committees of the  
18 legislature in the manner provided under section 13.172 (3) of the statutes.

19 (2) AUDITS OF LOCAL ELECTION PRACTICES. The elections board shall prepare  
20 recommendations with regard to random post-election audits of local election  
21 practices to be conducted in the fall of odd-numbered years. The recommendations  
22 shall include recommendations on how election practices in a given municipality  
23 may be reviewed by election officials of other, similar-sized municipalities and how  
24 the state will fund such audits. No later than December 31, 2006, the elections board  
25 shall submit the recommendations to the chief clerk of each house of the legislature

**BILL**

1 for distribution to the appropriate standing committees of the legislature in the  
2 manner provided under s. 13.172 (3) of the statutes.

3 (3) POLLING PLACE OBSERVATION RULES.

4 (a) The elections board shall submit in proposed form the rules required under  
5 section 7.41 (5) of the statutes, as created by this act, to the legislative council staff  
6 under section 227.15 (1) of the statutes no later than the 60th day beginning after  
7 publication of this act.

8 (b) Using the procedure under section 227.24 of the statutes, the elections  
9 board may promulgate rules required under s. 7.41 (5) of the statutes, as created by  
10 this act, for the period before the effective date of the rules submitted under  
11 paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c)  
12 and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
13 statutes, the board is not required to provide evidence that promulgating a rule  
14 under this paragraph as an emergency rule is necessary for the preservation of the  
15 public peace, health, safety, or welfare and is not required to provide a finding of  
16 emergency for a rule promulgated under this paragraph.

17 (4) FEES FOR COPIES OF REGISTRATION LIST. The elections board may promulgate  
18 emergency rules under section 227.24 of the statutes implementing section 6.36 (6)  
19 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2)  
20 of the statutes, emergency rules promulgated under this subsection remain in effect  
21 until the date on which permanent rules take effect. Notwithstanding section 227.24  
22 (1) (a) and (3) of the statutes, the elections board is not required to provide evidence  
23 that promulgating a rule under this subsection as an emergency rule is necessary for  
24 the preservation of public peace, health, safety, or welfare and is not required to  
25 provide a finding of emergency for a rule promulgated under this subsection.



**BILL****SECTION 175**

1           (5) ELECTION OFFICIALS; INTERIM TERMS. Notwithstanding section 7.30 (6) (a) of  
2           the statutes, as affected by this act, the persons who are appointed as election  
3           officials under section 7.30 (4) of the statutes in 2006 shall serve for terms of one year  
4           and until their successors are appointed and qualified.

5           (6) DISTRIBUTION OF FORMS TO CONVICTED FELONS. No later than the first day of  
6           the 6th month beginning after the effective date of this subsection, the department  
7           of corrections shall distribute, and have signed in front of a witness, a copy of the form  
8           designed under section 301.03 (3a) of the statutes, as created by this act, to each  
9           person who is on probation, parole, or extended supervision on that date and who is  
10          disqualified from voting in any election under section 6.03 (1) (b) of the statutes.

11           **SECTION 176. Initial applicability.**

12          (1) NOTICE OF SCHOOL DISTRICT REFERENDA. The treatment of section 8.37 of the  
13          statutes first applies to a measure or question that becomes subject to a filing  
14          requirement under section 8.37 of the statutes on the effective date of this subsection.

15          (2) RECOUNTS. The renumbering and amendment of section 5.90 of the statutes  
16          and the creation of section 5.90 (2) and (3) of the statutes by this act first apply to  
17          recount petitions filed on the effective date of this subsection.

18          (3) TERMS OF CERTAIN POLL WORKERS. The treatment of sections 7.30 (2) (am), (6)  
19          (a), and (6) (am) of the statutes first applies to appointments made on the effective  
20          date of this subsection.

21          (4) PETITIONS FOR RECALL. The treatment of sections 9.10 (2) (b) and (d) and (4)  
22          (a) of the statutes first applies with respect to petitions for recall that are offered for  
23          filing on the effective date of this subsection.

24          (5) CIRCULATORS OF NOMINATION PAPERS AND PETITIONS. The treatment of sections  
25          5.02 (16g), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2), and 9.10 (2) (em) 2. of the

**BILL**

1 statutes first applies with respect to nomination paper circulation periods that begin  
2 and petitions that are initially circulated on the effective date of this subsection.

3 (6) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED  
4 SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons  
5 whom the department of corrections releases to parole or extended supervision on  
6 the effective date of this subsection.

7 (7) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The  
8 treatment of section 973.09 (4m) of the statutes first applies to persons whom the  
9 court places on probation on the effective date of this subsection.

10 (8) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment  
11 of section 973.176 (2) of the statutes first applies to persons who are sentenced or  
12 placed on probation on the effective date of this subsection.

13 (9) ELECTION OFFICIAL TRAINING. The treatment of sections 7.15 (1m), 7.30 (2)  
14 (c), and 7.315 of the statutes first applies with respect to elections held in 2008.

15 **SECTION 177. Effective date.**

16 (1) This act takes effect on July 1, 2006, or on the day after publication,  
17 whichever is later.

18 (END)

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3947/4ins  
JTK.....

INS 33-7:

no ff . If the elector is registering after the close of registration for the general election and the elector has in his or her possession a valid driver's license issued by another state, the municipal clerk or agent shall request the elector to present the license and shall record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license ✓

INS 42-19:

no ff . If the elector is registering to vote in the general election and the elector has in his or her possession a valid driver's license issued by another state, the inspector or deputy shall request the elector to present the license and shall record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license ✓

INS 43-15:

no ff . If the elector is registering to vote in the general election and the elector has in his or her possession a valid driver's license issued by another state, the municipal clerk, deputy clerk, or special registration deputy shall shall request the elector to present the license and shall record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license

score

INS 47-6:

✓  
**SECTION 1.** 6.56 (4) of the statutes is amended to read:

6.56 (4) After each election, the municipal clerk shall ~~carefully check~~ perform an audit to assure that no person has been allowed to vote more than once. Whenever the municipal clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a 1st class letter marked in accordance with postal regulations to ensure that it will be returned to the clerk if the elector does not reside at the address given on the letter. The letter shall inform the person that all registrations relating to that person may be changed from eligible to ineligible status within 7 days unless the person contacts the office of the clerk to clarify the matter. A copy of the letter and of any subsequent information received from or about the addressee shall be sent to the district attorney.

History: 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1989 a. 192; 2001 a. 51; 2003 a. 265.

INS 47-14:

✕  
**SECTION 2.** 6.56 (7) of the statutes is created to read:

6.56 (7) The board may elect to perform the duties of municipal clerks to conduct the audits required under subs. (3) and (4) for any election on behalf of all municipalities in the state. If the board so elects, the board shall notify the municipal clerk of each municipality that the board will perform the audits no later than the date of the election for which the audits will be performed.

*delete extra space*

INS 53-2:

(No 9)

. If the elector is registering to vote in the general election and the agent has in his or her possession a valid driver's license issued to the elector by another state,

the municipal clerk shall request the agent to present the license and shall record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license

INS 68-22:

*at*  
**SECTION 3.** 7.08 (9) of the statutes is created to read:

7.08 (9) LISTS OF OUT-OF-STATE LICENSE HOLDERS. ~~The board shall~~ withhold from inspection or copying under s. 19.35 (1) the lists of license holders received from municipal clerks under s. 7.15 (1) (L).

INS 69-17:

*at*  
**SECTION 4.** 7.15 (1) (L) of the statutes is created to read:

7.15 (1) (L) Compile and, no later than 7 days after each general election, transmit to the board the lists of electors registering to vote under ss. 6.29 (2) (a), 6.55 (2) (b) and (c) 1, and 6.86 (3) (a) 2. who presented valid drivers' licenses issued by other states. The clerk shall withhold access to the lists from inspection or copying under s. 19.35 (1).

## BILL

## SECTION 18

JWS 86-18

1 is presumed that the envelope was placed in the mail on or before election day, unless  
2 established by a preponderance of the evidence to the contrary.

3 (b) ~~(c)~~ <sup>In each municipality where absentee ballots are canvassed</sup> later than the closing hour of the polls, the municipal clerk ~~of each~~ <sup>under</sup>  
4 ~~municipality~~ shall post at his or her office ~~at any alternate site under s. 6.855,~~ <sup>this</sup> and

5 on the Internet at a site announced by the clerk before the polls open, and shall make  
6 available to any person upon request, a statement of the number of absentee ballots

7 that the clerk has mailed or transmitted to ~~military~~ electors ~~under this section and~~

8 <sup>and</sup> that have ~~not~~ been returned by the closing hour on election day. The posting shall

9 not include the names or addresses of any ~~military~~ electors.

10 (d) All ballots received by the municipal clerk under this subsection by the  
11 deadline specified in par. (a) shall be carefully preserved by the municipal clerk until  
12 destruction or other disposition is authorized under s. 7.23. If a petition for a recount  
13 is filed under s. 9.01, the clerk shall immediately notify the appropriate board of  
14 canvassers as to whether any absentee ballots that have been mailed or transmitted  
15 to military electors under this section have been received after the closing of the polls  
16 or have not been returned.

17 (dm) If the clerk notifies the board of canvassers that any ballots that have been  
18 mailed or transmitted to military electors under this section have not been returned,  
19 the board of canvassers shall not proceed with the recount until all such ballots have  
20 been returned to the clerk and transmitted to the board of canvassers, or 9 a.m. on  
21 the day following the last day for filing of a petition for the recount, whichever occurs  
22 first.

23 (e) The clerk shall transmit to the appropriate board of canvassers all ballots  
24 received under par. (a) by the clerk as soon as practicable after receiving the last

## BILL

*Handwritten: 87-16*

1 manner so as not to deface or destroy the certification thereon. The board of  
2 canvassers shall take out the ballot without unfolding it or permitting it to be  
3 unfolded or examined. Unless the ballot is cast under s. 6.95, the board of canvassers  
4 shall verify that the ballot has been endorsed by the issuing clerk. If the poll list  
5 indicates that *proof of residence* ~~identification~~ is required and no *proof of residence* ~~identification~~ is enclosed or the name  
6 or address on the document that is provided is not the same as the name and address  
7 shown on the poll list, the board of canvassers shall proceed as provided under s. 6.97  
*absentee ballot*

8 (2). The board of canvassers shall mark the poll list number of each elector who casts  
9 an absentee ballot on the back of the elector's ballot. The board of canvassers shall  
10 then deposit the ballot into the proper ballot box and enter the absent elector's name  
11 or poll list number after his or her name on the poll list.

12 (b) When the board of canvassers finds that a certification is insufficient, that  
13 the applicant is not a qualified elector in the ward or election district, that the ballot  
14 envelope is open or has been opened and resealed, that the ballot envelope contains  
15 more than one ballot of any one kind, or that the certificate of an elector who received  
16 an absentee ballot by facsimile transmission or electronic mail is missing, or if proof  
17 is submitted to the board of canvassers that an elector voting an absentee ballot has  
18 since died, the board of canvassers shall not count the ballot. Each member of the  
19 board of canvassers shall endorse every ballot not counted on the back as "rejected  
20 (giving the reason)." The board of canvassers shall reinsert each rejected ballot into  
21 the certificate envelope in which it was delivered and enclose the certificate  
22 envelopes and ballots, and securely seal the ballots and envelopes in an envelope  
23 marked for rejected absentee ballots. The board of canvassers shall endorse the  
24 envelope as "rejected ballots," with a statement of the ward or election district and  
25 date of the election, and each member of the board of canvassers shall sign the

**2005-2006 DRAFTING INSERT  
FROM THE  
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LRB-3947/4insAG

ARG:.....

**INSERT ANAL-AG:**

Under current law, the Department of Transportation (DOT) may not issue a driver's license to a person previously licensed in another jurisdiction (another state or territory of the United States) unless the person surrenders to DOT any valid driver's licenses issued to the person by another jurisdiction. Within 30 days after the person becomes licensed in this state, DOT must destroy any surrendered license and report to the jurisdiction issuing any surrendered license that the person is now licensed in this state.

This bill requires that DOT, within 30 days after the person's surrender to DOT of his or her license issued by another jurisdiction, to also provide notice to the elections board of the person's name and address, the name of the jurisdiction issuing any surrendered license, and the date on which any license was surrendered.

**INSERT AG:**

*7ms 111-7*

*JA*

**SECTION 1.** 343.11 (2m) of the statutes is created to read:

**343.11 (2m)** Within 30 days following surrender of a license under sub. (1), the department shall provide notice to the elections board of the person's name and address, the name of the jurisdiction issuing the surrendered license, and the date on which the license was surrendered.